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Remarks

Favorable reconsideration of this application is requested in view of the above amendments and the following remarks. Claims 1-12 remain pending in the application. Editorial revisions have been made in the claims.

A copy of the English translation of the International Preliminary Report on Patentability is attached for the Examiner's convenience.

Applicants respectfully traverse the objection to the drawings for failing to illustrate the control plate of claim 4 and the vibration driving portion of claim 7. Applicants respectfully submit that these items already are included in the drawings as element 28 (Fig. 3C) and element 30 (Fig. 10). The objection should be withdrawn.

Claims 1-12 have been rejected for lack of enablement. Applicants respectfully traverse this rejection. The rejection questions whether the control of the fan revolutions has been disclosed. Applicants respectfully contend that the control of fans is a long-standing and very well-understood concept in the art, and that no detailed disclosure is needed for one of ordinary skill to be able to select a suitable typical fan control system for a particular application.

Claim 8 has been rejected for indefiniteness. Claim 8 has been revised editorially to address the constructive criticism noted in the rejection. The rejection should be withdrawn.

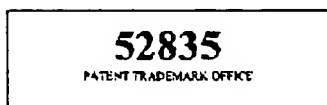
Claims 1-12 have been rejected for indefiniteness. Claim 1 has been revised to clarify the identity of the two gaps recited in the claim. Therefore, the issue noted in this rejection has been resolved and the rejection should be withdrawn.

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Favorable reconsideration in the form of a Notice of Allowance is requested.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Douglas P. Mueller (Reg. No. 30,300), at (612)455.3804.

Respectfully submitted,



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Dated: February 25, 2009

By

A handwritten signature in black ink, appearing to be "Douglas P. Mueller", written over a horizontal line.

Douglas P. Mueller
Reg. No. 30,300

DPM

TRANSLATION PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 26 and Rule 70)

Applicant's or agent's file reference ISHI03-02	FOR FURTHER ACTION	See Form PCT/PEAM 16
International application No. PCT/JP2004/015847	International filing date (day/month/year) 26.10.2004	Priority date (day/month/year) 27.10.2003
International Patent Classification (IPC) or national classification and IPC F25D17/06, F25D19/00, F25D25/02		
Applicant AIR OPERATION TECHNOLOGIES INC.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 26.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- a. ☒ (sent to the applicant and to the International Bureau) a total of 2 sheets, as follows:
- ☒ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

- ☒ Box No. I Basis of the report
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/015847

Box No. 1	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:</p> <p><input type="checkbox"/> international search (Rule 12.3 and 23.1(b))</p> <p><input type="checkbox"/> publication of the international application (Rule 12.4)</p> <p><input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3)</p>
2.	<p>With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p>pages: <u>1-12</u> as originally filed/furnished:</p> <p>pages* _____ received by this Authority on _____</p> <p>pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p>nos. <u>5-10</u> as originally filed/furnished</p> <p>nos.* <u>1-4, 11, 12</u> as amended (together with any statement) under Article 19</p> <p>nos.* _____ received by this Authority on _____</p> <p>nos.* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the drawings:</p> <p>sheets <u>1/10-10/10</u> as originally filed/furnished</p> <p>sheets* _____ received by this Authority on _____</p> <p>sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p><input type="checkbox"/> the description, pages _____</p> <p><input type="checkbox"/> the claims, nos. _____</p> <p><input type="checkbox"/> the drawings, sheets/figs _____</p> <p><input type="checkbox"/> the sequence listing (specify): _____</p> <p><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/015847

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-12	YES
	Claims	NO
Inventive step (IS)	Claims 1-12	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-12	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Document 1: WO 99/047871 A1 (Kabushiki Kaisha Kyoei
Dennetsu), 23 September 1999, all pages

Document 2: JP 8-200923 A (Kabushiki Kaisha Kawasaki
Seisakusho), 09 August 1996, all pages

The invention set forth in claims 1 to 12 is not disclosed in any of the documents that are cited in the international search report, and would not have been obvious to a person skilled in the art.